

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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OTIS MCCALL EAST, JR.,

Plaintiff,

v.

JUDGE TODD W. BJERKE,

Defendant.

ORDER

21-cv-497-wmc

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*Pro se* plaintiff Otis McCall East, Jr., who is currently incarcerated at the Vernon County Jail, filed this lawsuit pursuant to 42 U.S.C. § 1983. He claims that defendant violated his constitutional rights during his probation revocation proceeding. The complaint was filed on August 9, 2021, and is currently under advisement for screening pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A. However, Otis now seeks to withdraw the complaint voluntarily and receive a refund of the \$350 filing fee. (Dkt. #17.) Otis's motion will be granted because he has provided sufficient justification for withdrawing his complaint and having his filing fee refunded. Further, since this case has not yet been screened, dismissing it will not prejudice the defendant.

Accordingly, IT IS ORDERED that:

- 1) Plaintiff Otis McCall East, Jr.'s motion to voluntarily dismiss his case and for a refund of the filing fee (dkt. #17) is GRANTED.
- 2) Plaintiff's other motions (dkt. ##7, 8, 9, 10, 12) are DENIED as moot.
- 3) This case is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

Entered this 28th day of January, 2022.

BY THE COURT:

/s/

WILLIAM M. CONLEY

District Judge